

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 5, 2010. At the time of the Office Action, Claims 1-9 were pending in this Application. Claims 1-9 were rejected. Claims 1, 5, and 6 have been amended. Claims 10–13 have been added. Applicants respectfully request reconsideration and favorable action in this case.

### Rejections under 35 U.S.C. § 102

Claims 1-2 and 6-7 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,676,030 issued to Jack Lorraine et al. (“*Lorraine*”).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the *Lorraine* cannot anticipate the rejected Claims, because *Lorraine* does not show all the elements of the present Claims.

For example, amended independent Claim 1 recites:

a first axially extendable interface between the housing and the valve cap configured to allow axial extension at least during a calibration,

a second axially extendable interface between the valve cap and the cartridge configured to allow axial extension at least during the calibration,

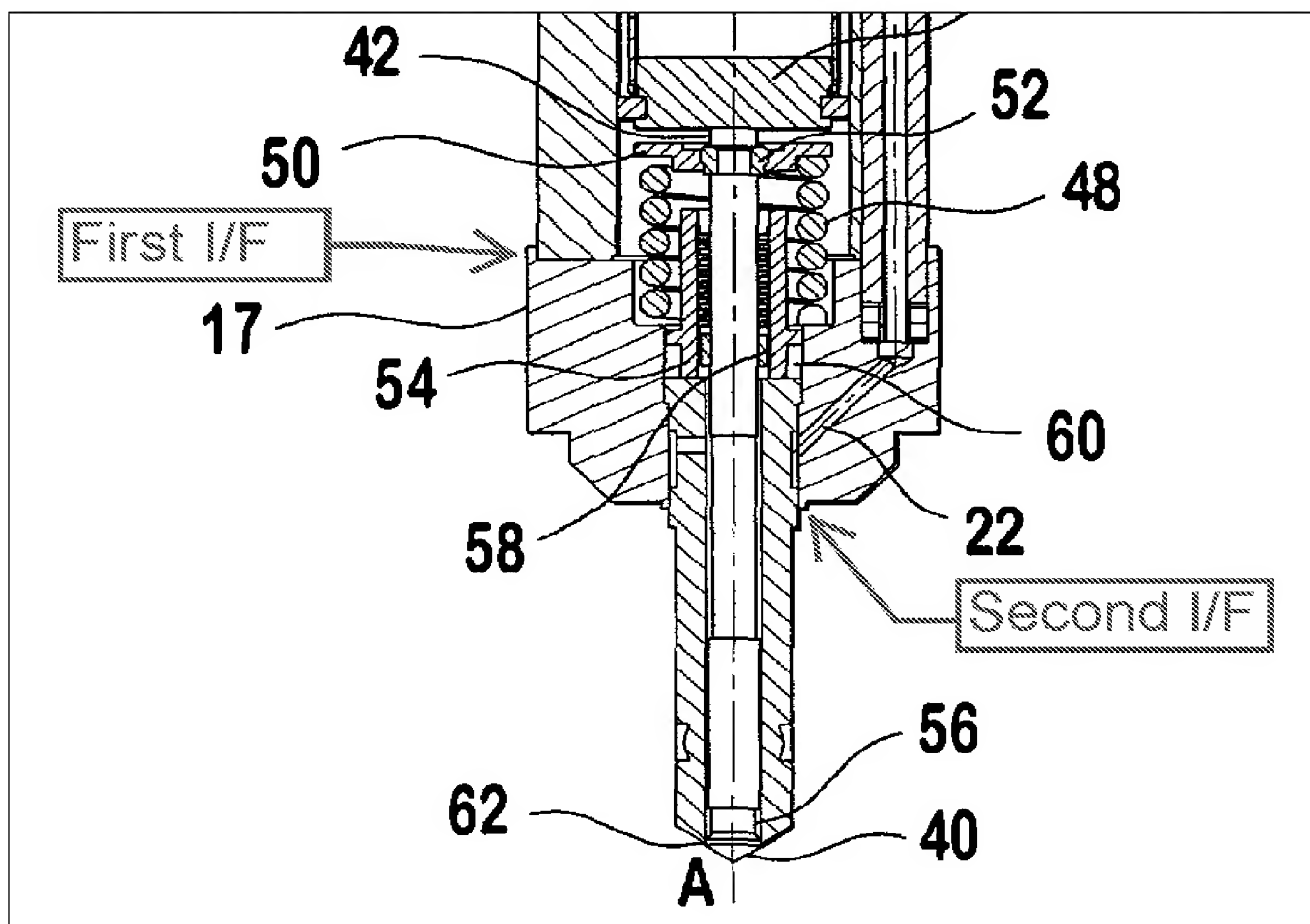
a first seal maintained within the first axially extendable interface, and

a second seal maintained within the second axially extendable interface . . .

Amended independent Claim 6 recites similar elements. *Lorraine* cannot anticipate amended independent Claim 1 at least because *Lorraine* does not teach *a first axially extendable interface between the housing and the valve cap configured to allow axial extension at least during a calibration with a first seal maintained within the first axially*

*extendable interface* or a *second axially extendable interface* between the valve cap and the cartridge configured to allow axial extension at least during the calibration with a second seal maintained within the second axially extendable interface.

Specifically, the first interface, between valve body 17 and housing 14 is a *fixed* connection. See *Lorraine*, ¶ 0016 (“Valve body 17 is fixedly connected to injector housing 14 and encloses valve closure member 40.”). This fixed interface is illustrated in figure 1, which is reproduced in relevant part below with annotations of two relevant interface points.



As can be seen, the first interface, between valve body 17 and injector housing 14, is *fixed*. Any axial movement would result in a disconnection between valve body 17 and injector housing 14. The second interface that is relevant to the claim language is between valve body 17 and the unlabeled member surrounding valve closure member 40. This second interface is not described, but it also appears to be *fixed*. Moreover, *Lorraine* does not

provide any disclosure of a *seal* at either interface or the ability to *maintain the seals* in view of the axial movement.

Thus, *Lorraine* does not disclose *a first axially extendable interface between the housing and the valve cap configured to allow axial extension at least during a calibration with a first seal maintained within the first axially extendable interface or a second axially extendable interface between the valve cap and the cartridge configured to allow axial extension at least during the calibration with a second seal maintained within the second axially extendable interface* as required by amended independent Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended independent Claims 1 and 6, as well as each dependent claim that depends from Claim 1 or 6.

### **Rejections under 35 U.S.C. § 103**

Claims 3-5 and 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lorraine* in view of U.S. Patent No. 4,720,077 issued to Mikio Minoura et al. (“*Minoura*”).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants respectfully submit that the proposed combination of *Lorraine* and *Minoura* cannot render obvious the rejected Claims, because the proposed combination of *Lorraine* and *Minoura* does not show all the elements of the present Claims.

For example, amended independent Claim 5 recites:

a first axially extendable interface between the housing and the valve cap configured to allow axial extension at least during a calibration,

a second axially extendable interface between the valve cap and the cartridge configured to allow axial extension at least during the calibration,

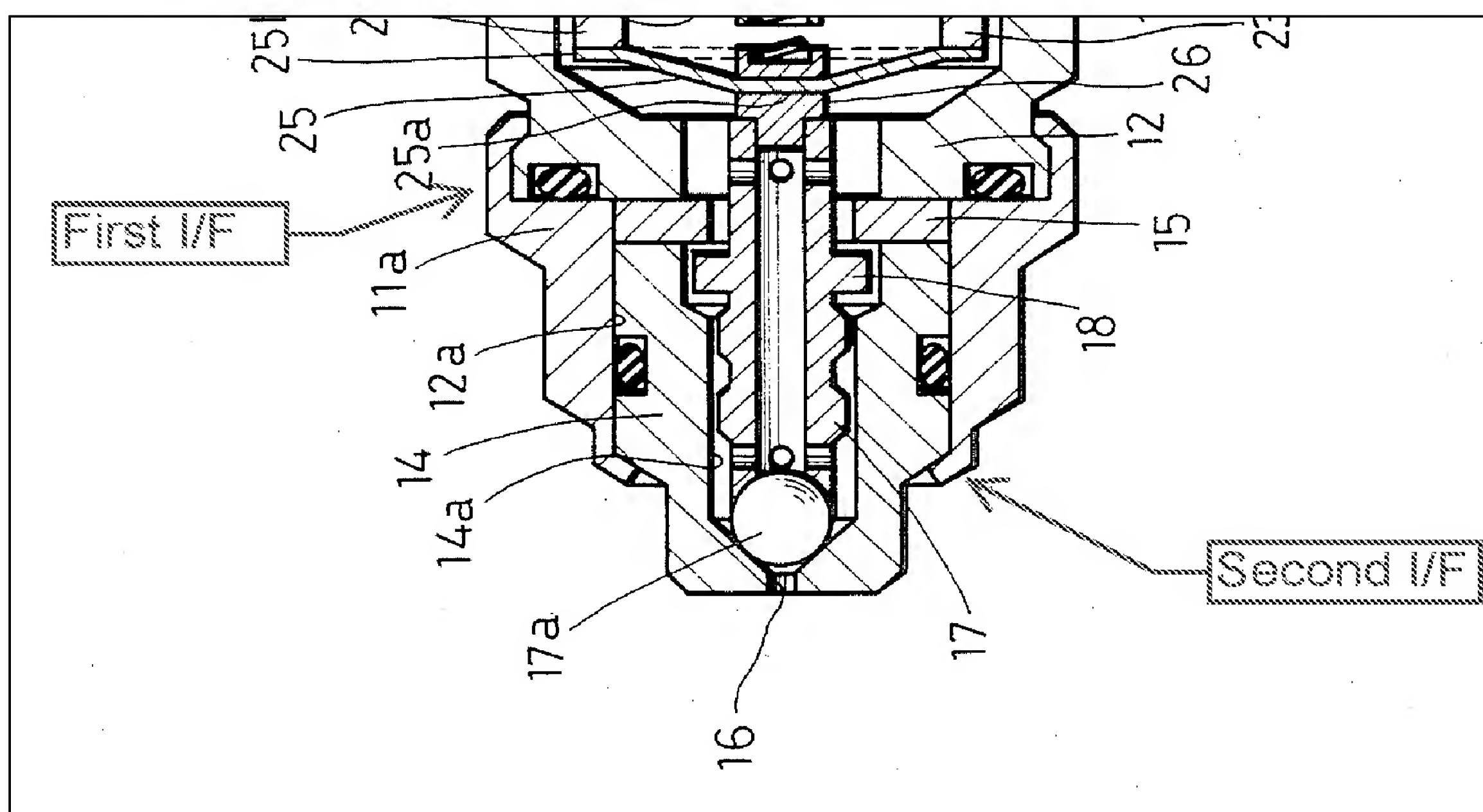
a first seal maintained within the first axially extendable interface, and

a second seal maintained within the second axially extendable interface . . .

Because neither *Lorraine* nor *Minoura*—or the combination of the two—teaches or suggests *a first axially extendable interface between the housing and the valve cap*

*configured to allow axial extension at least during a calibration with a first seal maintained within the first axially extendable interface or a second axially extendable interface between the valve cap and the cartridge configured to allow axial extension at least during the calibration with a second seal maintained within the second axially extendable interface*, the proposed combination of *Lorraine* and *Minoura* cannot render obvious amended independent Claim 5.

*Lorraine's* shortcomings were discussed above with respect to similar features of amended independent Claim 1. Likewise, *Minoura* fails to teach or suggest these features because *Minoura* also teaches *fixed* interfaces, at least as to any possible movement in an *axial* direction. As seen in an annotated portion of figure 1, both the first and second interfaces include overhangs preventing any axial movement. Further, the gasket shown at the first interface could not maintain a seal in the event of axial movement, as any axial movement would release compressive force on that gasket.



For at least these reasons, the proposed combination of *Lorraine* and *Minoura* cannot render obvious amended independent Claim 5. Applicants therefore respectfully request reconsideration and allowance of amended independent Claim 5, and each dependent claim that depends from Claim 5.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512-457-2031.

Respectfully submitted,  
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Date: June 28, 2010

**SEND CORRESPONDENCE TO:**

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